

**REMARKS/ARGUMENTS**

Claims 1-10 and 14-16 now stand in the present application, claims 1, 4, 7, 10 and 14 having been amended and claims 11-13 and 17 having been canceled. More particularly, claims 11-13 and 17 have been incorporated into respective independent claims 1, 4, 7 and 14 together with a further limitation as will be explained in greater detail below. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

At the outset, Applicant calls to the Examiner's attention to related U.S. Patent Application 10/532,610 filed on April 25, 2005. An Information Disclosure Statement is attached hereto which lists the prior art cited in the aforementioned related application.

In the Office Action, the Examiner has objected to claims 10 and 12 for specific informalities. As noted above, claim 10 has been amended to correct the deficiency noted by the Examiner, and the deficiency noted by the Examiner in claim 12, prior to its incorporation into independent claim 4, has also been corrected. Accordingly, the Examiner's objection to the claims is believed to have been overcome.

The Examiner has rejected claims 11-13 and 17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the Examiner's § 112, first paragraph, rejection of these claims.

Support in the specification for claims 11-13 and 17 is respectfully submitted to exist at page 6, lines 11-23. (See also page 4 of the present specification at lines 11-21.) Accordingly, there being support in the specification for the dependent claims, it is respectfully submitted that the Examiner's rejection of these claims is believed to be in error and Applicant respectfully requests that it be withdrawn.

The Examiner has also rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel et al. in view of Apostolopoulos et al. and further in view of Mizuno. In view of the above-described claim amendments, the Examiner's § 103 rejection of the claims is believed to have been overcome as will be described in greater detail below.

As noted above, Applicant has amended the independent claims by incorporating the features of dependent claims 11, 12, 13 and 17 therein. Thus each of the independent claims in this case now more clearly recites that an overall data rate from the server to the same end user for the same data is substantially an aggregate of individual data rates available to each of the plurality of addresses. In addition, Applicant has amended the independent claims to more clearly recite the simultaneous streaming of different parts of the requested data to different ones of the plurality of addresses requesting said identical data. This feature of simultaneously streaming is supported in the present specification at, *inter alia*, page 3, line 9 and page 4, line 12. Since it is not believed that the combination of cited references teaches or suggests the features that have now been incorporated into each of the independent claims, the claims now standing in this case are believed to patentably define over the cited references taken either singly or in combination.

At page 3 of the Office Action the Examiner admits that "Zisapel does not teach ... splitting the requested data and streaming different parts of the data to the different addresses requesting it."

A key difference between Applicant's inventive system and the hypothetical system produced by combining the three cited references is that the different parts of

the data are transmitted to the respective addresses simultaneously, rather than in rotation as disclosed in Apostolopoulos. The result is an aggregate data rate in Applicant's invention, rather than the average achieved by Apostolopoulos. See for example, Apostolopoulos at column 4, lines 34-49 and in particular at lines 37-41 wherein the cited references states:

By explicitly sending different subsets of packets over different paths, the path diversity mechanism 134 enables the end-to-end application (e.g., 110 and 120) to effectively see an average path behavior (hereinafter referred to as "path diversity").

(Emphasis supplied.) In contrast, Applicant's invention as now more clearly recited in the present claims requires the server to identify the requests as originating from a common source, after the data has been split into separate sub streams which are simultaneously streamed. Unlike Apostolopoulos, these sub streams are sent in parallel, not in rotation.

It is also notable that it is the end user terminal in Applicant's invention which is making the multiple accessions, and not some intermediate point in the data network as is disclosed in Mizuno. Mizuno's system, cited by the Examiner as supposedly disclosing this feature, does not operate at the user terminal as required by the claims – it is in fact concerned with load balancing at the data storage system supplying data to a user, specifically by providing a number of network addresses to the network, to avoid excessive imbalances in output rates. This plurality of network addresses for the database is translated by the network so that the end user sees only one address, whichever port is actually used.

There is no teaching or suggestion in Mizuno of using multiple addresses for multiple accesses by the same user termination, as is Applicant's invention. Nor is the Mizuno specification concerned with improvements in effective end-to-end bandwidth – the problem addressed by the present invention. Instead it is concerned with load balancing between the database and the router.

Therefore, even if it would have been obvious to combine the cited references, which Applicant does not believe to be the case, the present invention still would not have resulted. Accordingly, for all of the reasons given above, it is respectfully submitted that all of the remaining claims in this case, namely, claims 1-10 and 14-16 are believed to patentably define over the cited references taken either singly or in combination.

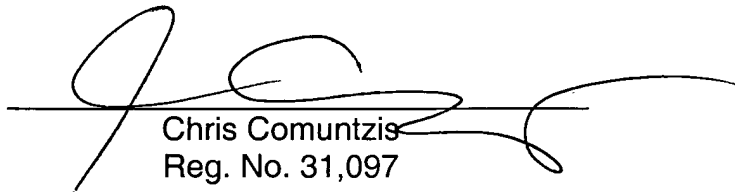
In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-10 and 14-16, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

CLARK  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Chris Comuntzis  
Reg. No. 31,097

CC:lmr  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100